

SEP 26 2006

**BRINKLEY, MORGAN, SOLOMON, TATUM,
STANLEY, LUNNY & CROSBY, LLP****Attorneys at Law
200 East Las Olas Boulevard
Suite 1900
Fort Lauderdale, FL 33301****Telephone 954-522-2200
Facsimile 954-522-9123****FACSIMILE TRANSMISSION COVER SHEET****PLEASE DELIVER TO:**

NAME: Examiner Pia F. Tibbits/Art Unit 2838

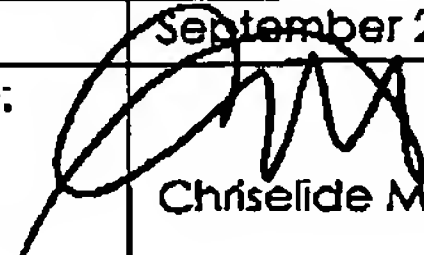
FAX TELEPHONE NO. 571.273.8300

MESSAGE SENT BY: Daniel C. Crilly, Esq.

DATE: September 26, 2006

PAGES: (including cover).....23

MESSAGE: Please see attached Transmittal Form (1 page); Amendment under 37 C.F.R. § 1.116 (20 pages) and an Applicant Initiated Interview Request form (1 page) in connection with U.S. Appl. Serial No. 10/604,703. Thank you.

CERTIFICATE OF FAX TRANSMITTAL	
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, at (571) 273-8300 Centralized Facsimile, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Date:	September 26, 2006
Signature:	
Typed or Printed Name:	Chrislide Mendez

***IF THERE ARE ANY PROBLEMS WITH THE RECEIPT OF THIS TRANSMITTAL,
PLEASE CALL 954-522-2200 AS SOON AS POSSIBLE.***

The information contained in this facsimile is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

SEP 26 2006

PTO/SB/21 (09-04)


Approved for use through 07/31/2008. OMB 0651-0031

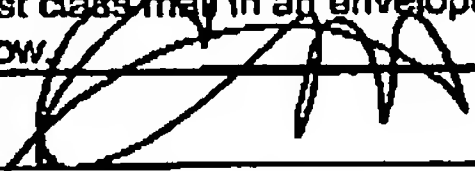
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/604,703	
	Filing Date	August 11, 2003	
	First Named Inventor	David Elder	
	Art Unit	2838	
	Examiner Name	Pia F. Tibbits	
Total Number of Pages in This Submission	23	Attorney Docket Number	013476-05187

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Applicant Initiated Interview Request form (1 page)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	BRINKLEY, MORGAN, SOLOMON, TATUM, STANLEY, LUNNY & CROSBY, LLP		
Signature			
Printed Name	DANIEL C. CRILLY		
Date	September 26, 2006	Reg. No.	38,417

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Signature	
Typed or printed name	Chriselide Mendez
Date	September 26, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant Initiated Interview Request Form				RECEIVED CENTRAL FAX CENTER	
Application No.: <u>10/604,703</u>		First Named Applicant: <u>David Elder</u>		SEP 26 2006	
Examiner: <u>Tibbitts</u>		Art Unit: <u>2838</u>		Status of Application: <u>Finally Rejected</u>	
Tentative Participants:					
(1) <u>David Elder</u>		(2) <u>Daniel Crilly</u>		(5) <u>Examiner Easthorn</u>	
(3) <u>William Weiss</u>		(4) <u>Examiner Tibbitts</u>			
Proposed Date of Interview: <u>Oct. 16, 2006</u>			Proposed Time: <u>10:00</u> (AM/PM)		
Type of Interview Requested:					
(1) <input type="checkbox"/> Telephonic (2) <input checked="" type="checkbox"/> Personal (3) <input type="checkbox"/> Video Conference					
Exhibit To Be Shown or Demonstrated: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
If yes, provide brief description: <u>Working prototype of invention</u>					
Issues To Be Discussed					
Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej.</u>	<u>88,104,105</u>	<u>Exide Switch</u> <u>Brochure</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>Rej.</u>	<u>88,104,105</u>	<u>Rodriguez</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) <u>Rej.</u>	<u>88,104,105</u>	<u>Leppo</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Continuation Sheet Attached					
Brief Description of Arguments to be Presented:					
<u>Cited references do not disclose or suggest all</u>					
<u>elements recited in the claims</u>					
An interview was conducted on the above-identified application on _____.					
NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).					
This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.					
<u>Li C G</u> Applicant/Applicant's Representative Signature			_____ Examiner/SPE Signature		
<u>Daniel C. Crilly</u> Typed/Printed Name of Applicant or Representative					
<u>38,417</u> Registration Number, if applicable					

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0100 and select option 2.

BEST AVAILABLE COPY